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NOTICE OF ALLOWANCE AND FEE(S) DUE

22883 7590 03/23/2009

SWERNOFSKY LAW GROUP PC
548 MARKET ST.
SAN FRANCISCO, CA 94104

EXAMINER

HO, BINH VAN

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 03/23/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,346

12/31/2003

Gil I. Nadel

311.1029.01

9474

TITLE OF INVENTION: OBJECT-LEVEL DATABASE PERFORMANCE MANAGEMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	06/23/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22883 7590 03/23/2009

**SWERNOFSKY LAW GROUP PC
548 MARKET ST.
SAN FRANCISCO, CA 94104**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,346 12/31/2003 Gil I. Nadel 311.1029.01 9474

TITLE OF INVENTION: OBJECT-LEVEL DATABASE PERFORMANCE MANAGEMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$0 \$0 \$1510 06/23/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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HO, BINH VAN 2163 707-103000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,346	12/31/2003	Gil I. Nadel	311.1029.01	9474
22883	7590	03/23/2009	EXAMINER	
SWERNOFSKY LAW GROUP PC 548 MARKET ST. SAN FRANCISCO, CA 94104			HO, BINH VAN	
			ART UNIT	PAPER NUMBER
			2163	
DATE MAILED: 03/23/2009				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 283 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 283 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/750,346	NADEL ET AL.	
	Examiner	Art Unit	
	BINH V. HO	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/21/2009.
2. ☒ The allowed claim(s) is/are 1 and 5-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <p>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____</p> <p>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material</p> | <p>5. <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____.</p> <p>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</p> <p>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</p> <p>9. <input type="checkbox"/> Other ____.</p> |
|--|--|

/BH/
Examiner

/don wong/
Supervisory Patent Examiner, Art Unit 2163

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and /or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.3.12. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. The following claim has been amended upon agreement by applicant during a telephone conversation with Mr. Pete Tormey on 03/13/2009.

Amendments to claims 1, 9, 17, and 25; and cancel claims 2-4:

Claim 1 (Currently Amended):

A method for tuning database objects, the method comprising:
operating agent software on a database server computer system, said agent software operative to collect and store performance data for a plurality of database objects, wherein the performance data comprises a plurality of access times, wherein each of the plurality of database objects comprises an aggregation of stored data;
correlating the access times to the database objects;

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detecting a performance problem in the database server computer system
in response to the correlating;

identifying a problematic database object of the plurality of database objects
using the performance data for the plurality of database objects, wherein the
problematic database object is related to the performance problem; ~~and~~

tuning the problematic database object to improve performance of access
to the stored data in the database server computer system; and

wherein tuning the problematic database object to improve performance of
access to the stored data in the database server computer system comprises moving
the problematic database object from nonvolatile storage to volatile storage for
improved speed of access, creating a new access path to the problematic database
object, moving the problematic database object from heavily loaded storage
components to less loaded storage components.

Claim 2 (Cancelled)

Claim 3 (Cancelled)

Claim 4 (Cancelled)

Claim 9 (Currently Amended)

A computer-readable storage medium comprising
program instructions, wherein the program instructions are computer-
executable to implement:

collecting and storing performance data for a plurality of database objects in a database server computer system, wherein the performance data comprises a plurality of access times, wherein each of the plurality of database objects comprises an aggregation of stored data;

correlating the access times to the database objects;

detecting a performance problem in the database server computer system in response to the correlating;

identifying a problematic database object of the plurality of database objects using the performance data for the plurality of database objects, wherein the problematic database object is related to the performance problem; ~~and~~

tuning the problematic database object to improve performance of access to the stored data in the database server computer system; and

wherein tuning the problematic database object to improve performance of access to the stored data in the database server computer system comprises moving the problematic database object from nonvolatile storage to volatile storage for improved speed of access, creating a new access path to the problematic database object, moving the problematic database object from heavily loaded storage components to less loaded storage components.

Claim 17 (Currently Amended)

A performance management system, comprising:

a database server comprising a plurality of database objects, wherein each of the plurality of database objects comprises an aggregation of stored data; and

a performance warehouse which stores performance data for the plurality of database objects, wherein the performance data comprises a plurality of access times;

at least one processor; and a memory coupled to the at least one processor, wherein the memory stores program instructions that are executable by the at least one processor to:

monitor data access times using a software agent operative to capture performance data for the database objects;

correlate performance data to the access times;

detect a performance problem in the database server in response to the correlation;

identify a problematic database object of the plurality of database objects using the performance data for the plurality of database objects, wherein the problematic database object is related to the performance problem; and tune the problematic database object to improve performance of access to the stored data in the database server; and

wherein tuning the problematic database object to improve performance of access to the stored data in the database server computer system comprises moving the problematic database object from nonvolatile storage to volatile storage for

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improved speed of access, creating a new access path to the problematic database object, moving the problematic database object from heavily loaded storage components to less loaded storage components.

Claim 25 (Currently Amended)

A system for tuning database objects, the system comprising:

means for collecting and storing performance data for a plurality of database objects in a database server computer system, wherein the performance data comprises a plurality of access times~ wherein each of the plurality of database objects comprises an aggregation of stored data;

means for correlating said database objects to said access times;

means for detecting a performance problem in the database server computer system in response to said correlation;

means for identifying a problematic database object of the plurality of database objects using the performance data for the plurality of database objects, wherein the problematic database object is related to the performance problem; and

means for tuning the problematic database object to improve performance of access to the stored data in the database server computer system; and

mean for wherein tuning the problematic database object to improve performance of access to the stored data in the database server computer system comprises moving the problematic database object from nonvolatile storage to volatile storage for improved speed of access, creating a new access path to the problematic

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database object, moving the problematic database object from heavily loaded storage components to less loaded storage components.

The Examiner's amendment has been made in order to place the application in a condition for allowance.

Reasons for Allowance

3. The following is an examiner's statement of reason for allowance:

Claims 1, 9, 17, and 25 are considered allowable since the prior made of record and considered pertinent to the applicant's disclosure does not teach or suggest the claimed limitations. Bossman (U.S. 2003/0182276) or Chambliss (U.S. 2005/0076154) or Ganesh (U.S. 6,192,377) or Do (U.S. 2004/0172636), taken individually or in combination, do not teach the claimed invention having a method/system for tuning database objects, the method comprising correlate performance data to the access times; wherein tuning the problematic database object to improve performance of access to the stored data in the database server computer system comprises moving the problematic database object from nonvolatile storage to volatile storage for improved speed of access, creating a new access path to the problematic database object, moving the problematic database object from heavily loaded storage components to less loaded storage components with a combination of all recitations as defined in claims 1, 9, 17, and 25.

Therefore, claims 1, and 5-25 *are* presently allowed.

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiry

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho
Examiner
Art Unit 2163

/don wong/
Supervisory Patent Examiner, Art Unit 2163